

What are the benefits of mediation?

There are several benefits of mediation when compared to civil / commercial litigation or other more formal practices; the main ones are as follows;

- **Less expensive** – save money on formal procedures, wasted productivity, manpower and resources in resolving disputes, save money on expensive court, trial and legal fees.
- **Quicker** - mediation can usually be arranged and undertaken in a matter of weeks, most mediations do not last more than one day, the process is much quicker than entering into the lengthy civil / commercial litigation process or other more formal practices, which can take months or even years.
- **Informal** – mediation procedures are less formal, less stressful and less intimidating and can take place in a neutral venue of your choice.
- **Less damaging** – mediation can help preserve and strengthen existing or new relationships between disputant parties which could have been compromised by litigation.
- **Easier to keep control** – mediation means you make the decisions, you decide on what course of action should be taken and what you want the outcome to be, rather than a Judge or Arbitrator deciding for you.
- **Impartial** – mediators do not take sides, the aim is to reduce conflict and reach a settlement.
- **Confidential** – the mediation process is completely confidential and being an attempt to negotiate a settlement of your dispute is entirely without prejudice.
- **Nothing to lose** – if an amicable agreement cannot be reached you have lost nothing and your legal rights will not be affected.
- **Various outcomes** – litigation usually only provides a monetary outcome, whereas mediation can provide one or a combination of the following outcomes; compensation, a refund, an apology, an explanation, replacing goods or a change in policy or behaviour to mention a few.



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EDSL is accredited by the Civil Mediation Council as a mediation provider, and is a designated provider of mediation services to Her Majesty's Courts Service & the National Mediation Helpline.



To find out more information about any of our services contact

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What is mediation?

Mediation is an effective way of resolving disputes of any nature, without having to resort to civil / commercial litigation or more formal practices. The mediator, will work hard with each party in dispute, helping them to understand better their own and the other persons position, by clarifying points and exploring possible solutions. By so doing the parties improve their chances of working out a realistic solution.

When should I use mediation?

Mediation should be used when it appears that other than resorting to litigation your dispute cannot be resolved, it can also be used even if litigation has commenced, the earlier you decide to use mediation, the more likely you are to save a lot of time, money and stress.

How to start the mediation process?

All the parties in dispute need to agree to try mediation, in cases where the other side will not agree, Effective Dispute Solutions Limited (EDSL) will use its best efforts to persuade the other party to agree to mediation by highlighting the benefits of the process, however as it is a voluntary process, parties cannot be forced to mediate.

Once the agreement of all has been obtained EDSL will require a brief summary of the dispute, who will then put you in contact with a mediator who would be most suitable to help you resolve your dispute.

How does the mediation process work?

Each mediator has their own approach but will all generally proceed as follows; the mediator will arrange a meeting at a convenient, mutually agreed and if possible neutral location, most disputes are generally mediated at one of the parties, or their solicitor's offices if they are legally represented.

If the parties are unable to provide the venue, then EDSL will arrange the venue which will be easily accessible to all who are party to the dispute, the cost of which will be equally shared by the parties and the charge will be known and agreed before the mediation commences.

The mediation will usually commence with a joint meeting, if it is appropriate to do so, where the mediator will introduce themselves, take care of any administrative formalities and explain the process in more detail.

The mediator will then ask each side and or their legal representatives to deliver their opening / position statement (summary of the dispute as they see it & what they want to achieve), and will try to identify the parts which are not in disagreement and note those that are.

After this initial joint meeting the mediator will request a series of private sessions with each of the parties, moving back and forth between them to explore possibilities and clarify points and bringing them together again at appropriate times.

During the final private sessions the mediator will try to reduce the differences between the parties and will seek to obtain agreement by all parties on major and minor issues. Once a solution has been reached the mediator will request that the terms of the agreement be put in writing and signed at the meeting.

If you do not agree with the mediator.

Unlike a Judge or Arbitrator the mediator has no power to decide or impose their solution upon you, they are simply there at your invitation to see if by talking to all concerned they can help you negotiate your own settlement and facilitate the process in an impartial and non judgemental manner.

If, during the mediation, you do not like the way it is going you are free to leave and will not have committed yourself in any way unless you wish to have done so, neither are your legal rights affected. There is no obligation to agree to anything you are not entirely happy with, any agreement made will be your agreement, the mediator simply guides you towards it. If an agreement cannot be reached you are still free to pursue litigation to resolve your dispute.

Will mediation work?

Mediation is a highly flexible and successful process, most mediations settle, if not on the day shortly after the actual mediation, the mediator is there to help, although there is no guarantee of success, the more the parties are committed to finding a solution the more likely the mediation is to be successful.

Are mediators qualified & insured?

The Director of EDSL is Harvinder Singh Bhurji. Since 2002 he has been actively involved in dispute resolution, as a Mediator, Mediation Trainer, Tutor & Assessor, Arbitrator & Conciliator.

He is a law graduate, a Qualified Dispute Resolver and an Accredited Commercial Mediator through CEDR, the Academy of Experts and the ADR Group, an Accredited Workplace & Community Mediator through UK Mediation Ltd, a Mediation Tutor and Accreditation Assessor for the Chartered Institute of Arbitrators and a qualified Manager through the Chartered Management Institute. He is also a member of several renowned national and regional mediation panels.

He fluently speaks English as well as Punjabi and understands Hindi and Urdu, has written articles on mediation and assisted with the research into court based mediation schemes commissioned by the then Department of Constitutional Affairs. He and EDSL hold professional liability insurance, copies of which are available on request.

Our mediation experience.

EDSL is accredited by the Civil Mediation Council as a mediation provider, and is a designated provider of mediation services to Her Majesty's Courts Service & the National Mediation Helpline.

To date Harvinder has mediated over 500 commercial, civil, workplace, family, community & victim offender disputes over issues such as; defamation, personal injury, professional negligence, intellectual property & technology, breach of contract & economic loss, unpaid invoices & debt, business, landlord & tenant, construction, building & housing disrepair, boundaries & neighbours, employment & workplace, divorce & separation, family & extended family, inheritance & probate and has a ninety per cent success rate. The majority have been two party disputes conducted in English, however, some have been multi party, conducted in Punjabi and have been time limited.

Our panel of mediators.

EDSL's national panel of mediators are amongst some of the leading mediators in the UK and have a wealth of experience and expertise between them, having mediated several hundreds of disputes between them some of whom have been practicing for several years. They have all been trained and accredited through one or more of the main mediation training bodies. Our national panel of mediators are insured and supervised and come from a variety of professional backgrounds, such as Judges, barristers, solicitors including partners in national and regional law firms, academics, lecturers, architects, accountants, surveyors, dentists, HR professionals, senior managers and directors with several years of business experience in the UK and overseas.

References.

EDSL and Harvinder Singh Bhurji have mediated and provided dispute resolution services as well as mediation training for several organisations consisting of national, regional and local law firms, barristers' chambers, mediation providers, businesses, local authorities, housing associations and members of the public. To see what our clients have to say about us visit www.effectivedisputesolutions.co.uk/about-us/mediation-references



The cost.

This will vary depending on the value in dispute, how complicated the dispute is, and how many parties are involved and possibly the amount of preparation time required. The parties will share the cost of the mediator whose basis of charge will be known and agreed before the mediation commences. Apart from the mediation fee and the parties giving up their own time there should be little additional costs unless the parties want to bring with them specialist advisers.